

REMARKS

This Amendment is submitted in response to the Examiner's Action dated November 9, 2004, having a shortened statutory period set to expire February 9, 2004.

Rejection under 35 U.S.C. § 103

In the present Office Action, Claims 1-3, 5-9, 11-13, and 15-19 are rejected under U.S.C. § 103(a) as being unpatentable over *Cherukuri et al.* (U.S. Patent No. 6,125,119 - hereinafter referred to as "*Cherukuri*"), in view of *Bosloy et al.* (U.S. Patent No. 6,714,544 B1 - hereinafter referred to as "*Bosloy*"), and further in view of *Bradley et al.* (U.S. Patent No. 6,366,580 B1 - hereinafter referred to as "*Bradley*"). After careful consideration of Examiner's remarks, Applicant has cancelled Claims 8, 10, 14, and 18. Applicant respectfully submits that Claims 1-3, 5-7, 9, 11-13, 15-17, and 19, as now amended, are not rendered unpatentable by *Cherukuri* in view of *Bosloy* and further in view of *Bradley*. Therefore, Applicant respectfully traverses Examiner's rejection in view of the argument submitted herein.

As an initial matter, Applicant has incorporated the features previously recited in cancelled Claims 8 and 10 into Claim 1. Also, Applicant has incorporated the features previously recited in cancelled Claims 14 and 18 into Claim 11. Furthermore, Applicant assumes that Examiner's rejection of Claim 20 applies to similar Claim 10.

With reference to newly-amended Claim 1, nothing in *Cherukuri*, in view of *Bosloy*, and further in view of *Bradley* teaches or suggests:

starting a plurality of activities timers, wherein each of said two or more virtual circuits combined to form said virtual path corresponds to one of said activities timers;

resetting, for each frame received for said two or more virtual circuits combined to form said virtual path, the corresponding activity timer;

detecting, by the expiration of one of said activity-timers, an extended period of non-activity by one of said virtual circuits which correspond to said expired activity-timer; and

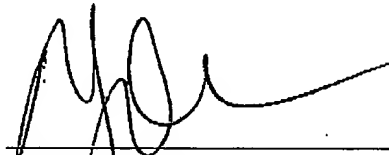
transmitting to said second switching node said fourth control message, sent by said first switching network, for removing from said virtual path, said virtual circuit corresponding to said expired activity-timer.

Bradley discloses a system and method for transferring data communications from one ATM SVC to another ATM SVC. (Abstract) The two timers (Timer A and Timer B) measures the duration of the transition and switch-over states. (col. 4, line 51- col. 5, line 10). For example, as indicated in step 130, if Timer A expires before the receipt of a sw_over_ack message, the transfer of the data communication from the first ATM SVC to a second ATM SVC does not occur. Nothing in *Cherukuri*, in view of *Bosloy*, and further in view of *Bradley* teaches or suggests "transmitting to said second switching node said fourth control message, sent by said first switching network, for removing from said virtual path, said virtual circuit corresponding to said expired activity-timer."

In light of the preceding argument, Applicant believes that independent Claim 1, similar Claim 11 and all dependent claims are not rendered unpatentable by *Cherukuri*, in view of *Bosloy*, and further in view of *Bradley*.

No extension of time is believed to be required. However, in the event that an extension of time is required, please charge that extension fee and any other required fees to **IBM Corporation Deposit Account Number 09-0457.**

Respectfully submitted,



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